



BANNER & WITCOFF, LTD.
INTELLECTUAL PROPERTY LAW

1001 G STREET, N.W.
WASHINGTON, D.C. 20001-4597

TEL: 202.508.9100
FAX: 202.508.9299
www.bannerwitcoff.com

FAX SHEET

| | | | |
|------|---|--------|------------------|
| To: | Examiner Minh-Tam Davis | FROM: | Joe Skerpon |
| FAX: | (703) 746-7145 | PAGES: | 8 |
| RE: | S.N. 09/387,340 Searle MON-102.0; 3119-C (061765.00367) | DATE: | January 31, 2002 |

If you do not receive all page(s) or have any problems receiving this transmission, please call:

| | | | |
|-------|-------------|--------|--------------|
| NAME: | Joe Skerpon | PHONE: | 202 508 9112 |
|-------|-------------|--------|--------------|

COMMENTS:

Dear Examiner Davis: Enclosed for your review is a courtesy copy of the Preliminary Amendment, filed on 18 January 2002. You indicated that you did receive the Supplemental IDS, which was hand-carried to you. Once you have an opportunity to review this amendment you will call me (202-508-9112) to arrange for an interview to discuss the pending claims in light of the prior art. If I have not heard from you by the middle of next week, I will call to see what can be scheduled.

Thank you very much.

IMPORTANT/CONFIDENTIAL: This message is intended only for the use of the individual or entity to whom it is addressed. This message contains information from the law firm of BANNER & WITCOFF, LTD. which may be privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, retention, archiving, or copying of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately at our telephone number listed above. We will be happy to arrange for the return of this message to our offices at no cost to you.

CHICAGO

WASHINGTON, D.C.

BOSTON

PORLAND,
OR

CRYSTAL MALL - BLDG #1 - 7TH FLOOR RECEPTION
 PATENT DESIGN B&W Ref. 61765.00367 Date 1-18-02

HAND CARRY Group/Section _____ Bldg _____ Rm _____

Serial/ Patent No. 09/387,340 Atty/Sec TMS/BPA

Inventor Needelman et al Client Pharmacia

Title An Immunological Process and Constructs For Increasing the LDL Cholesterol Concentration

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- total pp Spec., including : # of Claims _____ (# of independent claims _____): Abstract
- Drawings : Formal Informal # of distinct sheets _____ Figs. _____
- Declaration/Power of Attorney : Executed Unexecuted
- Assignment w/PTO Cover Sheet
- IDS w/PTO 1449 References w/Fee
- Preliminary Amendment
- Priority Claim (Foreign or U.S. Provisional, B&W # _____)

- Sequence Listing : Diskette Paper
- Amendment Response : OA and _____
- Petition for Extension of Time until _____
- CPA RCE w/Ext of Time : OA did _____
- Request for Approval of Drawing Changes
- Notice of Appeal & Fee
- Brief : Appeal & Fee Reply
- Request for Oral Hearing
- Issue Fee Advance Patent Copies (# ordered _____)
- Notice of Allowance did _____
- Amendment under 37 CFR 1.312
- Request for Certificate of Correction
- Transmittal Fee Transmittal w/Auth. to Charge Deposit Acct.
- Certificate of Mailing
- Check # _____ *13*
- _____ *8171520*
- _____ *215*
- _____ *00621613300*

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application Of)
NEEDLEMAN et al.) Group Art Unit 1642
Serial No. 09/387,340) Examiner: Minh-Tam Davis
Filed: August 31, 1999) Atty. Docket: MON-102.0-C
Continued Prosecution Application) (3119-C)(061765.00367)
Filed: January 4, 2002)

12/02
3/902

**For: AN IMMUNOLOGICAL PROCESS AND CONSTRUCTS FOR
INCREASING THE HDL CHOLESTROL CONCENTRATION**

PRELIMINARY AMENDMENT

The Honorable Assistant Commissioner
for Patents
Washington, D.C. 20231

Official
18/02
02/04/02

Sir:

This paper is submitted in furtherance of the interview conducted with Examiner Davis on January 9, 2002. At that interview the 35 U.S.C. 112 support for a new claim was discussed and agreement was tentatively reached on that issue. This Preliminary Amendment now introduces that claim for examination, as well as several dependent claims, to replace the claims previously pending. Applicants do not believe any fee is required to enter the amendment. If a fee is due, applicants hereby authorize the charging of Deposit Account No. 19-0733 for any such fee(s).

IN THE CLAIMS

Please cancel claims all pending claims, believed to be claims 11, 12, 14 and 15, and add new claims 44-47 as follows: